

STATUTORY CHECKLIST [§58.35(a) activities]

for Categorical Exclusions and Environmental Assessments

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

**Project Name and Identification/Location: Owner-occupied Rehabilitation and Rebuilding Program
Application #1117 90 Townsend Ave, New Haven, CT**

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Document Laws and authorities listed at 24 CFR Sec. 58.5							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The State Historic Preservation Office (SHPO) is in the process of reviewing the proposed rehabilitation plan (project scope letter from Capital Studio Architects, dated 3/6/14). SHPO's determination on whether the proposed rehabilitation activities would have an impact on the state's historic and cultural resources is pending at this time.
2. Floodplain Management [58.5(b)] [EO 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the area shows the project site is located within a special flood hazard area, Zone AE, "1% annual flood chance" New Haven County, CT- Map #09009C0444J (Figure 3). Connecticut Department of Energy and Environmental Protection (CTDEEP) Program-wide Permit Pending. Appendix B: Professional Certification Form for General Permit Application has been completed (dated 6/23/2014; Attachment A).
3. Wetland Protection [58.5 (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is located adjacent to Marine and Estuarine wetlands according to US Fish and Wildlife Service (USFWS) National Wetlands Inventory map (Figure 4, NWI;2012). Rehabilitation of seawall will require wetland permit.
4. Coastal Zone Management [58.5(c)] [CGS 22a-100(b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is located within the Coastal Boundary and the portion of the site along the seawall is located within the Coastal Jurisdiction Line contour/elevation of 4.6 ft. for the City of New Haven (CTDEEP 2012; Figure 5). Review by local Planning & Zoning is required (activities must be consistent with Coastal Management Act C.G.S Section 22a-100(b)).

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5. Water Quality – Aquifers [58.5(d)] [40 CFR 149] Clean Water Act 1977 Safe Drinking Water Act 1974	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to water quality are anticipated. CTDEEP Bureau of Water Protection and Land Reuse map titled "Connecticut Aquifer Projection Areas" dated December 2013 does not identify aquifer protection areas in the City of New Haven (Figure 6). The project site is not located in an EPA Sole Source Aquifer (http://www.epa.gov/region1/eco/drinkwater/pc_solesource_aquifer.html).
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.] [CGS 26-310]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CTDEEP State and Federal Listed Species and Significant Natural Communities Map for New Haven County indicates the presence of listed species or significant natural communities within the vicinity of the site (CTDEEP NDDB 2014; Figure 7). However, Program-specific parameters provide that if no sandy beaches are present no further NDDB review is required. Project site is a shoreline property with a bulkhead/seawall with no permanent sandy beach (see Photo Log). USFWS Information, Planning and Conservation System (IPaC) indicates the potential presence of roseate tern, an endangered species, on the project site (Attachment B). Further review of USFWS Endangered Species Consultation Project Review for Projects with Federal Involvement indicates roseate terns are not expected to occur within the City of New Haven (Attachment C); therefore, no endangered species are expected to utilize the site (Attachment D).
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Eightmile River is the only designated wild & scenic river within program area running through Lyme, Salem and East Haddam, CT (rivers.gov; 2012; Figure 8). Project site is not within one mile of the designated area.
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Residential rehabilitation; will result in no quantifiable increase in air pollution.
9. Farmland Protection [58.5(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	US Department of Agriculture Natural Resources Conservation Service (NRCS) mapping indicates the site is primarily underlain by Penwood-Urban land complex soils (Figure 9). The proposed project will not involve the conversion of any prime, unique, statewide, or locally important farmland.
Manmade Hazards: 10 A. Thermal Explosive [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is in a residential neighborhood and proposed project will not result in any increase to density.
10 B. Noise [58.5(l)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some short term construction-related noise is expected. No impact on long term contributions to ambient noise is expected.

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10 C. Airport Clear Zones [58.5 (i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is outside of any airport clear zone (Figure 10).
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not listed on EPA Superfund National Priorities or CERCLA List or equivalent State list, is not located within 3,000 feet of a toxic or solid waste landfill, does not have an underground storage tank (which is not a residential fuel tank) and is not known or suspected to be contaminated by toxic chemicals or radioactive materials. Based on attached environmental database report prepared by Ecolog ERIS Ltd (Attachment E) and site inspection.
11. Environmental Justice [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is within an Environmental Justice Community, as the City of New Haven is listed as a Distressed Municipality by CTDECD (Attachment F). The rehabilitation work at the project site is compatible with the surrounding residential use and no adverse human health and environmental effects on minority or low income population are expected.
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
12 A. Flood Insurance [58.6(a) & (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FEMA FIRM for the site shows the project site is located within a special flood hazard area, Zone AE, "1% annual flood chance." New Haven County, CT- Map #09009C0444J (Figure 3). The assisted homeowners are required to maintain flood insurance for not less than five years from the date of the assistance. DOH to track and maintain.
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is not located within a designated FEMA FIRM Coastal Barrier Resource Zone. New Haven County, CT- Map #09009C0444J (Figure 3).
12 C. Airport Clear Zone Notification [58.6(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is outside of any airport clear zone (Figure 10). Project does not involve purchase or sale of a property as such 24 CFR 58.6(d).
13. A Solid Waste Disposal [42 U.S.C. S3251 et seq.] and [42 U.S.C. 6901-6987 eq seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste disposal provided by the city. Proposed project will not result in an increase in density.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Program activities will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water; not a water control project.
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The results of Lead Paint Survey are in the Hazardous Material Inspection Report, dated 7/22/2015, prepared by Eagle Environmental Inc. submitted by Capital Studio Architects along with the Statutory Checklist). Of the fifty-seven (57) readings taken, ten (10) were found to contain toxic levels of lead-based paint. The Lead-based Paint Abatement plan details the work practices to be followed during construction to address lead containing materials at the project

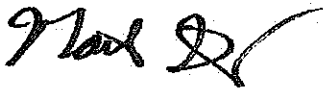
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							site.
13 D. Asbestos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The results of Asbestos-containing Material Survey are in the Hazardous Material Inspection Report, dated 7/22/2015, prepared by Eagle Environmental Inc. (submitted by Capital Studio Architects along with the Statutory Checklist). All materials sampled were confirmed to be Non-ACM. No further action is required.
13 E. Radon [50.3 (f) 1]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The results of the Radon Testing Survey are in the Hazardous Material Inspection Report, dated 7/22/2015, prepared by Eagle Environmental Inc. (submitted by Capital Studio Architects along with the Statutory Checklist). Radon testing was not performed as the building's slab is compromised and may not represent indoor radon concentrations. Furthermore, if the building is elevated, the lowest level will not be in contact with the ground. If the building is not elevated, radon testing will be performed once the slab is repaired.
13 F. Mold	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The procedures and results of the microbial testing for mold spores are included in the Hazardous Material Inspection Report, dated 7/22/2015, prepared by Eagle Environmental Inc. (report submitted by Capital Studio Architects along with the Statutory Checklist). There were observations of water intrusion, damage, or staining during the time of the inspection but no visible mold growth was identified. The Microbial Remediation plan details the work practices to be followed during construction to address materials found to be holding moisture.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Permit for CDBG-DR Program activities with CTDEEP in development. Appendix B: Professional Certification Form for General Permit Application has been completed (dated 6/23/2014; Attachment A).
14 B. Structures, Dredging & Fill Act [CGS 22a-359 through 22a-363f]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rehabilitation work water ward of the Coastal Jurisdiction Line as defined in C.G.S. Section 22a-359(c) will require authorization from DEEP OLISP Permitting section (Figure 5).
14 C. Tidal Wetlands Act [CGS 22a-28 through 22a-35]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The portion of the site along the seawall is located within the Coastal Jurisdiction Zone based upon the coastal jurisdiction contour/elevation for the City of New Haven (2012). CTDEEP Tidal Wetlands Mapping, as defined in C.G.S. Section 22a-29 and Section 22a-93(7)(e), does not identify the project as adjacent to a Tidal Wetland (Figure 5; CTDEEP 1999), however the site is located adjacent to Marine and Estuarine wetlands according to USFWS NWI map (Figure 4). Consultation with local Planning & Zoning required. Review possible.

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14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No apparent inland wetlands on or adjacent to the site based on review of NWI data (Figure 4) and NRCS soils data (Figure 9) as well as field observations. Project rehabilitation work is not expected to impact inland wetlands/watercourses.
14 E. Various Municipal Zoning Approvals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No change of use or building expansion that would require zoning approvals noted.

DETERMINATION:

- ☐ This project converts to Exempt, per §58.349a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; OR
- ☒ This project cannot convert to Exempt because one or more statutes/authorities requires consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RRF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:



7/30/15

Martin Brogie, LEP
Senior Consultant, GEI Consultants, Inc.

Date

Responsible Entity or designee Signature:


Hermia Delaire, CDBG-DR Program Manager


Date